APPENDIX:

Further Reasons for Hearing:

Your petitioner and Pioneer Inventor hav ng contributed said invention to the Art as composed of the First Locking Razor in History and its Weakened Blade Element of necessity for a Third or additional Function as shown in Patent No. 1,467,930 in suit; or really his improvements as added to the original Gillette Devices shown in Patent No. 775,135, which was sustained by the Third Circuit Court of Appeals and Reported in 194 Fed. 421, feels very much the chagrin, as suffered with the fortune expended to date in his attempt to achieve EQUAL JUSTICE UNDER LAW, but due to the camouflage and Frauds shown of Certified Record here submitted, now Appeals to this highest Court of Justice for Relief, on the pure merits of this Constitutionally issued Patented invention.

The Petitioner has most interestingly looked into practically every phase of this Patent situation, and unhesitatingly states that so far as we are able to see, from the Records of the two trials as had, Certified Records of which are both herein seen, that not a scintilla of defense has ever been found shown, and there is nothing whatever in conflict with the Patent Laws, by which we are guided, but with which only a few of our Courts seem familarly acquainted that This Honorable Court, with any due attention paid to our Filings will quickly see the correctness of our position.

No defense has ever been shown or made for changing the Prior Art of Three Holes in a Gillette Type Razor Blade for Positioning such for all time and no legal authority can be shown by any for the Change to Slots and other Aperturing as prevelent today, for the same purpose of positioning, and none can be found, or cited.

Fretwell in Patent No. 1,467,930, as Fathered by the Lock and of necessity as shown, did create a Third or Additional Function of Safety to users, and the method of aperturing Metal from the body of the blades to produce the necessary Fragility required, automatically and inherently produced the necessary Super-flexibility required of the blades—as shown.

If our Constitution or Bill of Rights or Patents mean anything at all, as legally provided and stated, and as this Honorable Court is the Bulwark to all Constitutional Liberty, we feel that all that is necessary is for the Justices of this great Court to kindly give this most plain case, with our replete filings, the minimum of their attention, as we are only asking that you decide the case on its merits as shown and as you will see it.

The Petitioner-inventor wishes here to state that no Patent of Subsequent date of issue, can legally be used as a defense to any of Prior date, so therefore Picture Cuts of the infringing Blades, were used by the Third Circuit Courts in both decisions as had in 1934 6 Fed. Supp. 818, (D. Del.), and affirmed in 78 F. (2) 868, (C. C. A. 3rd) in 1935, while This Court in Decision unanimously delivered by Mr. Justice Roberts, (who seems thoroughly familiar with the Patent Laws and Art) on November 9th, 1936, said of this Gaisman or Probak Patent: "It DID NOT HAVE THE QUALITY OF INVENTION" Reported in 299 U. S. 94, which made the Decisions of the Third Circuit Courts, AS IF THEY NEVER WERE and accordingly we feel certain, we've never had any Decision in the Ten hard years of trial to that end, since in the instant suit as against the Peoples Service Drug Stores, Inc., the Fourth Circuit Court of Appeals, on March 10th, 1941, have followed the Third Circuit Courts as shown on Page 2 of their printed Decision and on page 3 thereof again prints the Picture Cuts of the Obviously Weakened Blades that we complain of as INFRINGING THE BLADE ELEMENT of Patent No. 1,467,930.

Mr. Justice Roberts mentions the positioning means in the Type of Gillette blade here and also discusses the Goodwill Razor as built by the alleged authority of the Gaisman or Probak Patent, in his Decision as Reported in 299 U. S. 94, which razor was one of the Exhibits shown on page VIII with the Probak and others used in former trial at Wilmington, Del. Certified Record of which is permitted Exhibit here.

Petitioner asks that you read the letter signed by Mr. Hugh T. Williams, of Carter & Williams, Attorneys here, diagnosing the Gaisman or Probak Patent on Page 480, dated Jan. 24th, 1931, although he lays no claims to being a patent Attorney. Your action in the Essex Blade Corp., case as reported in 299 U. S. 94, confirms.

In same Record of the 3rd. C. as Exhibited in this case will be seen the correspondence and understanding with the Gillette Co., Etc. procured by subpoena duces tecum, Pages 363 to 500 and on pages 499 and 500, will be seen our submission of this Invention in way of Word Picture together with a rough drawing on June 11th, 1914.

All prior Art is discussed intelligently therein and Duly Indexed by our Experts Long & Furman, together with their Credentials and on Pages 201 to 302 will be found the Expert testimony as given for the Gillette Co., but we respectfully ask that you especially scan Pages 217 and 219 thereof as given by their Expert Theodore Lincoln Smith, wherein the Goodwill razor as constructed under the Gaisman or Probak Patent is seen and also their Blade Positioning means were changed after Gillette Co. and the Auto-Strop Co., Merged in late 1929. That case is not Reported, so Clerk Mr. H. C. Mahaffy advises.

On Top of page No. 62, the Gillette Co., admits the Validity of the Patent, in following language: "WE DO

NOT ATTACK THE VALIDITY OF THE PATENT. Hardly possible, for Patent No. 1,467,930, is showing the Pioneered Improvements as added to the original and Sustained Gillette Devices as patented in No. 775,135 as Reported 194 F. 421.

Just to convince this Honorable Court of the absurd handling of this case by the Courts, we will quote from Page 32, as follows:

"The Cut-out portions of the Defendant's blades, with the exception of the central opening which serves no useful purpose, are solely positioning means of various sizes and shapes inserted to enable the blades to fit all Gillette and Probak razors that had been or were expected to be manufactured".

Now we submit that such open reasoning as this, in view of the Patent Laws of the United States, is not only ridiculous but most absurd and intolerable, and such as we believe this great Court of Equal Justice to all, will take pleasure in properly correcting, as if the Three Holes of prior art is not be to respected, no such a Patent would ever expire, as all one would have to do would be to change the design formerly used to some other and renew, But this change as required by the Patent Laws, would not serve any new or useful purpose, but only acquire a mechanical change for same purpose.

The instant suit was entered at Danville, Va. April 28, 1936 while you did not Nullify the Gaisman or Probak Patent, which had always been allowed to illegally interfere here until Nov. 9th, 1936, as Reported in 299 U. S. 94. To simplify matters for this Court, we respectfully ask that you read the truth as conveyed in Mr. Longs Notarized letter as shown on pages 18-19 of our Original Petition as Filed for the October Term of this Honorable Court.

On page 588 of the 3rd C. Record Exhibited here, it will be seen that Mr. R. E. Thompson, factory Manager

for Gillette in Patent No. 1,815,745, dated July 21st, 1931, Put Back the prior Art Three Holes for positioning the Gillette Type Blade, which are not changeable as such, in order to get the Patent on the Cut-Out corners, but this Patent was Nullified by the 2nd, Circuit Court of Appeals.

This Court in a unanimous Opinion as delivered by the late Hon. Justice Holmes and Reported in 280 U. S. 400, said:

THE QUESTION IS NOT WHAT IS THE PRECISE SCOPE OF THE CLAIMS IN NO. 835,120, BUT WHAT IS DISCLOSED IN THE SPECIFICATIONS AND MADE KNOWN TO THE WORLD. Citing Alexander Milburn Co. v. Davis Bournonville Co., 270 U. S. 390.

The instant suit was supposedly tried in One day by the Hon. Judge A. D. Barksdale, just recently previously elevated to the Federal Bench, and no doubt his first Patent case handled, but on Page 59 of the Typed Transcript of Trial as had Sept. 11th, 1940, it is seen he admits all we have claimed as to Infringement of the Blade Element of Patent No. 1,467,930, and on page 64 is seen that he followed and quoted the Decisions of the Third Circuit Courts, and in disregard of our warning that you had Completely Nullified same on November 9th, 1936, But our Fourth Circuit Court followed his findings in their Decision as herewith and again ignored this Court and their Decision on the same Patent as shown: Reported in 299 U. S. 94 and on page 3 of the Decision again published the Picture Cuts of many of the offending and Obviously Weakened blades, including the Probax blade, all of which infringe the blade Element of Patent in suit.

The Gaisman Patent was issued on May 25th, 1932, and ——no New or Useful purpose was created, of Function for the Slots or other apertures in its alleged authority to build or contruct such Weakened Blades, was created or had. The Fretwell Patent No. 1,467,930, was of issue on

September 11th, 1923, showing the Three Holes of Prior Art left and its weakening of the blades beyond these Three Holes were for another or additional Function as necessarily produced for the Gillette Type blade to serve, as an ultimate feature of Safety.

Patents as you well know are provided for in Article 1 sec. 8 of our Constitution and in compliance therewith Sec. 4883, (U. S. Code title 35. sec. 39) was enacted, requiring that All Patents be issued in the name of the United States and under the Seal of the Patent Office. Consequently it can not be denied that all such are Government matter and rightly, as such to be heard by our Supreme Court, as is provided in Article 3 of our Constitution or Bill of Rights, and which was the vogue for the first 100 years of our Patent System and until the Evarts Act of 1891, wherein Patent Litigation, it is felt was Un-Constitutionally included. However, we leave this feature here to the sound discretion of this learned Court, but believe we have or the Records and Exhibits filed in this case being quite replete will show sufficient reasons otherwise for this Courts rendering a Decision in the instant case, and considering this a Petition for also reviewing the Petition as filed May 28th, 1941, and prevent the Gillette Safety Razor escaping through the fradulent route, on the same identical Patent infringement as shown herein.

Your petitioner is so utterly astounded at the actions had in these cases, instant suit and that permitted Record v. Gillette Safety Razor Co., in the Third Circuit, that it was never believed that any such could happen in our Judiciary of EQUAL JUSTICE UNDER LAW as emblazoned on Front of our Supreme Court Building, nor can your petitioner think other than Frauds as shown, which are possibly coupled with certain Collusions, against undeniable facts, composes the rankest case of misplaced Justice that has ever confronted this Honorable Court; the Bulwark

of all our Constitutional Liberties, and we implicitly trust you will consent to simply decide this simple case, both in law and fact, notifying to that effect, then taking your time, and we will forever pray, and that you will find the facts as revealed, to fully justify your decision in our behalf, on merits.

Respectfully submitted,

JULIAN W. FRETWELL, *Pro. Se.*

This petition is filed conscientiously and in good faith and is not intended for delay.

JULIAN W. FRETWELL

Jan. 20, 1942

A most self-evident acknowledgement of the irrefutable facts as shown, even by Respondent.

RESPONDENT'S WAIVER OF RIGHT TO FILE BRIEF.

Respondent, Peoples Service Drug Stores, Inc., by its Attorney David S. Kane, hereby waives its right to file a brief in opposition to the granting of the Petition in order to expedite a ruling upon said Petition.

David S. Kane, *Attorney for Respondent.*

Feeling our Petition is so replete with irrefutable facts, it is no wonder that the Respondent assumes such attitude as above and since the entire Razor and Blade industry is vitally affected by the Pioneered Invention as shown in Patent No. 1,467,930 and such an all important question of Public Interest is involved and that of the Integrity of our Government, Constitution and Bill of Rights, which is not ordinarily to be questioned, we for reasons stated likewise ask this Honorable Court's Decision in the matter, so that the Art may be clarified instead of remaining bungled, as now.

We refuse to believe this racket will be tolerated by our highest Honorable Supreme Court, but to the contrary, properly adjusted.